	1 2 3 4 5	Benjamin K. Lunch (SB #246015) Wan Yan Ling (SB # 297029) NEYHART, ANDERSON, FLYNN & GROSB 369 Pine Street, Suite 800 San Francisco, CA 94104-3323 Tel. (415) 677-9440 Fax (415) 677-9445 Email: blunch@neyhartlaw.com wling@neyhartlaw.com	OLL	
	6	Attorneys for Plaintiffs		
	7		S DISTRICT COURT	
	8		CICT OF CALIFORNIA	
	0	(San Jose Division)		
	9	SACRAMENTO AREA ELECTRICAL	Case No. 17-CV-1074-EJD	
	10	WORKERS HEALTH & WELFARE	Case No. 17-C V-1074-E3D	
	11	TRUST; SACRAMENTO AREA	STIPULATION FOR CONTINGENT	
	• •	ELECTRICAL WORKERS PENSION	DISMISSAL; [PROPOSED] ORDER	
	12	TRUST; SACRAMENTO AREA		
	13	ELECTRICAL WORKERS JOINT APPRENTICESHIP & TRAINING TRUST;		
		SACRAMENTO AREA ELECTRICAL		
	14	WORKERS LABOR MANAGEMENT		
	15	COOPERATION COMMITTEE FUND;		
	16	SACRAMENTO AREA ELECTRICAL WORKERS CONTRACT		
	10	ADMINISTRATION FUND; BOB WARD,		
	17	as trustee of the above trusts except for the	=	
	18	SACRAMENTO AREA ELECTRICAL	F	
		WORKERS PENSION TRUST; JEFF STORY, as trustee of the SACRAMENTO		
	19	AREA ELECTRICAL WORKERS		
	20	PENSION TRUST; NATIONAL		
	21	ELECTRICAL BENEFIT FUND; and		
		INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL UNION		
	22	NO. 340		
	23		-	
	24	Plaintiffs,		
	24	v.		
***	25	ν.		
NEYHART, ANDERSON, FLYNN &	26	CROSS ELECTRIC and DENNIS DAMIEN CROSS,		
GROSBOLL ATTORNEYS AT LAW	27	Defendants.		
*	28	Dolondants.		
		0	STIPULATION; Case No. 17-CV-1074-EJD	

8

11

12 13

14 15

16

17 18

19

20

21 22

23 24

28

25 NEYHART. ANDERSON, 26 FLYNN & GROSBOLL 27

ATTORNEYS AT LAW

The parties stipulate as follow:

- 1. In this ERISA collection action, the parties have reached an agreement to settle this case pursuant to the terms and conditions specified in a Settlement Agreement.
- 2. The Settlement Agreement requires Defendants to make timely monthly payments to Plaintiffs, with the final payment to be received by May 31, 2018.
- 3. If the Settlement Agreement is breached, the parties agree that Plaintiffs may reopen this case and file the Stipulated Judgment attached hereto as "Exhibit 1."

The parties therefore respectfully request that the Court contingently dismiss this case pursuant to the above terms.

IT IS SO STIPULATED AND AGREED.

Dated: 7/25/2017

IT IS SO ORDERED.

August 1, 2017 Dated:

Attorney for Plaintiffs

Neyhart, Anderson, Flynn & Grosboll

amin Orass

The Clerk shall close this file.

U.S. District Court Judge

STIPULATION; Case No. 17-CV-1074-EJD

Exhibit 1

	1	Benjamin K. Lunch (SB #246015)		
	2	Wan Yan Ling (SB # 297029) NEYHART, ANDERSON, FLYNN & GROSBOLL		
		369 Pine Street, Suite 800		
	3	San Francisco, CA 94104-3323		
	4	Tel. (415) 677-9440 Fax (415) 677-9445		
		Email: blunch@neyhartlaw.com		
	5	wling@neyhartlaw.com		
	6	Attorneys for Plaintiffs		
	7	UNITED STATES DISTRICT COURT		
		NORTHERN DISTRICT OF CALIFORNIA		
	8	(San Jose Division)		
	9	(Sali Jose Division)		
		SACRAMENTO AREA ELECTRICAL	Case No. 17-CV-1074-EJD	
	10	WORKERS HEALTH & WELFARE		
	11	TRUST; SACRAMENTO AREA	STIPULATED JUDGMENT	
		ELECTRICAL WORKERS PENSION		
	12	TRUST; SACRAMENTO AREA		
	13	ELECTRICAL WORKERS JOINT APPRENTICESHIP & TRAINING TRUST;	T all	
		SACRAMENTO AREA ELECTRICAL		
	14	WORKERS LABOR MANAGEMENT		
	15	COOPERATION COMMITTEE FUND;		
		SACRAMENTO AREA ELECTRICAL		
	16	WORKERS CONTRACT		
	17	ADMINISTRATION FUND; BOB WARD, as trustee of the above trusts except for the		
		SACRAMENTO AREA ELECTRICAL		
	18	WORKERS PENSION TRUST; JEFF		
	19	STORY, as trustee of the SACRAMENTO		
		AREA ELECTRICAL WORKERS		
	20	PENSION TRUST; NATIONAL		
	21	ELECTRICAL BENEFIT FUND; and INTERNATIONAL BROTHERHOOD OF		
	22	ELECTRICAL WORKERS LOCAL UNION		
	22	NO. 340		
	23		a v	
	24	Plaintiffs,		
	27	v.	4	
	25			
NEYHART, ANDERSON,	26	CROSS ELECTRIC and DENNIS DAMIEN	2	
FLYNN &	20	CROSS,	TE III	
GROSBOLL ATTORNEYS AT LAW	27	Decident	7	
	28	Defendants.	1 1	
		0	STIPULATED JUDGMENT; Case No. 17-CV-1074-EJI	

	1	The parties stipulate that judgment shall be entered in favor of Plaintiffs and against		
	2	Defendants, jointly and severally, in the amount of \$26,811.77, less all amounts received by		
	3	Plaintiffs on the Settlement Agreement dated June 12, 37 and plus all amounts currently		
	4			
	5	owed by Defendants to Plaintiffs on said Settlement Agreement, Collective Bargaining		
	6	Agreement, and applicable Trust Agreement(s), to wit:		
	7			
	8	IT IS SO STIPULATED AND AGREED.		
	9			
	10	Dated: June 12, 2017 By: By:		
	11	WAN YAN LING		
	12	Attorney for Plaintiffs' Neyhart, Anderson, Flynn & Grosboli		
	13			
	14	A A		
	15	Dated: 6/14/2017 By: Smy Dann Com CROSS ELECTRIC		
	16	CROSS ELECTRIC		
	17			
	18	A. D. D		
	19	Dated: 6/114/2017 Byr Vonnid One Cons		
	20	DENNIS DAMIEN CROSS		
	21	IT IS SO ORDERED.		
	22	II IS SO VIDERED.		
	23			
	24	Dated:		
Newsan	25	U.S. District Court Judge		
NEYHART, ANDERSON, FLYNN &	26	I sheled the "Incide Wireman's Agreement" which has been a		
GROSBOLL ATTORNEYS AT LAW	27	¹ Labeled the "Inside Wireman's Agreement" which has been entered into by the Sacramento Electrical Contractors Association and IBEW Local 340, and which Defendants are signatory to.		
	28			
		STIPULATED JUDGMENT; Case No. 17-CV-1074-EJD		

PROOF OF SERVICE BY MAIL

2

1

I, the undersigned, declare:

3

4

I am employed in the City and County of San Francisco, State of California. I am over the age of 18 years and not a party to the within action. My business address is 369 Pine Street, Suite 800, San Francisco, California 94104. On July 26 2017, I served the within:

5

6

STIPULATION FOR CONTINGENT DISMISSAL; [PROPOSED] ORDER

7

on the parties in said cause following our business practice, with which I am readily familiar. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid. I placed a true copy of the within document enclosed in a sealed envelope with first class postage thereon fully prepaid for collection and deposit on the date shown below in the United States mail at San Francisco, California addressed as follows:

9

10

11

Dennis Damien Cross 30 Main Street

12 Colusa, CA 95932

13 14

Cross Electric 30 Main Street

Colusa, CA 95932

15 16

I declare under the penalty of perjury that the foregoing is true and correct, and that this declaration was executed on July 26, 2017, at San Francisco, California.

17

18 19

20

21

22

23

24

25

NEYHART,
ANDERSON, 26
FLYNN &
GROSBOLL 27

ATTORNEYS AT LAW

28

27

Alison Strickland

1,